

Reclamation Manual

Reclamation Acquisition Regulation System

401 DM Addition to FAR & DIAR

 PART WBR 1423 -- ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

PART WBR 1423

ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

TABLE OF CONTENTS

PART WBR 1423

WBR 1423.000 Scope of part.

SUBPART WBR 1423.1 -- POLLUTION CONTROL AND CLEAN AIR AND WATER

WBR 1423.100 Scope of subpart.

WBR 1423.104 Exemptions.

WBR 1423.107 Compliance responsibilities.

SUBPART WBR 1423.3 -- HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA

WBR 1423.300 Scope of subpart.

WBR 1423.302 General.

WBR 1423.302-80 Reclamation safety policy.

WBR 1423.302-81 Use of asbestos material.

WBR 1423.302-82 Safety and health requirements.

WBR 1423.302-83 Contract clauses.

WBR 1423.302-84 Acquisition of personal
protective equipment.

SUBPART WBR 1423.4 -- USE OF RECOVERED MATERIALS

WBR 1423.400 Scope of subpart.

WBR 1423.401 Authorities.

WBR 1423.403 Policy.

WBR 1423.480 Reclamation Affirmative
Procurement Program.

SUBPART WBR 1423.6 -- NOTICE OF RADIOACTIVE MATERIAL

WBR 1423.601 Requirements.

Reclamation Manual

Reclamation Acquisition Regulation System

401 DM Addition to FAR & DIAR

PART WBR 1423 -- ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY,
AND DRUG-FREE WORKPLACE

WBR 1423.302-83

PART WBR 1423

ENVIRONMENT, CONSERVATION,
OCCUPATIONAL SAFETY, AND DRUG-FREE
WORKPLACE

WBR 1423.000 Scope of part.

This part prescribes Reclamation acquisition policies and procedures for safety and health, exemptions and responsibilities for pollution control, and identification of hazardous material.

SUBPART WBR 1423.1 -- POLLUTION
CONTROL AND CLEAN AIR AND WATER

WBR 1423.100 Scope of subpart.

This subpart sets forth the procedure for obtaining exemptions under DIAR 1423.104 and the reporting requirements for noncompliance responsibility under DIAR 1423.107.

WBR 1423.104 Exemptions.

Requests for exemptions under DIAR 1423.104 shall be forwarded through Environmental Resource Services, D-8200, for transmittal to the HCA.

WBR 1423.107 Compliance responsibilities.

Reports of noncompliance made by the CO under DIAR 1423.107 shall be submitted (in four copies) through D-8200 for transmittal to the HCA.

SUBPART WBR 1423.3 -- HAZARDOUS
MATERIAL IDENTIFICATION AND
MATERIAL SAFETY DATA

WBR 1423.300 Scope of subpart.

This subpart prescribes Reclamation policies and procedures for the identification and use of hazardous material and safety and health requirements for Reclamation contracts.

WBR 1423.302 Policy.

WBR 1423.302-80 Reclamation safety policy.

This section prescribes policies and procedures for --

- (a) Acquisition of asbestos-free materials; and
- (b) construction safety requirements as contained in the Reclamation Safety and Health Standards manual.

WBR 1423.302-81 Use of asbestos-free material.

(a) Reclamation policy is to acquire and use asbestos-free material whenever such materials are available pursuant to the Commissioner's memorandums dated September 30, 1988, and August 27, 1992.

(b) This policy is implemented through the use of a Reclamation contract clause prescribed in WBR 1423.302-83(a) which --

- (1) States the asbestos-free material policy;
- (2) Provides for the CO to approve an exception to the policy when asbestos-free products are not available;
- (3) Requires documentation to support a request for an exception from a contractor that asbestos-free products are not available; and
- (4) Provides notice that CO disapproval of a request for an exception shall be final and not subject to the "Disputes" clause of the contract.

WBR 1423.302-82 Safety and health requirements.

(a) It is Reclamation policy that its contractors not require any laborer or mechanic to work under conditions that are unsanitary, hazardous, or dangerous to the employee's health or safety.

(b) This policy is implemented through the use of a contract clause prescribed in WBR 1423.302-83(b) which requires contractors to --

- (1) Comply with the Reclamation Safety and Health Standards manual including requirements contained therein for submission of safety data submittals and material safety data submittals;
- (2) Obtain copies of the Reclamation Safety and Health Standards manual from the Government Printing Officer (Stock Item GPO-024-003-00178-3);
- (3) Submit a written proposed safety program for approval;
- (4) Upon notification, correct violations of the safety and health requirements; and
- (5) Maintain and submit certain accident reports to the CO.

WBR 1423.302-83 Contract clauses.

(a) The CO shall insert the clause at WBR 1452.223-80, Asbestos-Free Warranty -- Bureau of Reclamation, in solicitations and contracts for supplies or services (including construction).

(b) The CO shall insert the clause at WBR 1452.223-81, Safety and Health -- Bureau of Reclamation, in solicitations and contracts which contain the clause at FAR 52.236-13, Accident Prevention.

WBR 1423.302-84 Acquisition of personal protective equipment.

Reclamation Manual

Reclamation Acquisition Regulation System

401 DM Addition to FAR & DIAR

PART WBR 1423 -- ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY,
AND DRUG-FREE WORKPLACE

WBR 1423.480

(a) Policy. Personal protective equipment required under safety and health regulations, reference standards, and Reclamation safety and health policy shall be purchased by the Government and issued at no cost to employees, whenever needed to provide protection from hazards of activities, processes, or environments.

(1) Safety boots. Federal Supply Schedule (FFS), Group 84, Part II, Section B, Clothing and Furnishings: Special Purpose Clothing, is a mandatory source of supply for acquisitions of safety boots exceeding the FFS dollar threshold.

(2) Protective prescription eyewear. Reclamation's policy is to acquire eye and face protection in compliance with the Occupational Safety and Health Administration, Federal Employee Occupational Safety and Health Program.

(3) Video Display Terminal (VDT) eyeglasses.

(i) When Reclamation is to acquire protective eyewear for employees, the employee is responsible for providing a specific prescription for VDT use and their individual vision, current within the last year. Cost difference for frame styles other than standard will be borne by the employee.

(ii) Waiver for Acquisition of prescription, safety, and VDT eyewear. Reclamation has obtained a blanket waiver from UNICOR's mandatory purchasing requirements for the procurement of prescription, safety, and VDT eyewear until September 30, 1997. These items may now be purchased on the open market until the waiver or its successor waivers are not renewed.

SUBPART WBR 1423.4 -- USE OF RECOVERED MATERIALS

WBR 1423.400 Scope of subpart.

This subpart provides policies and procedures necessary to implement Department of the Interior Acquisition Policy Release 92-12, dated March 25, 1992, and establish Reclamation's Affirmative Procurement Program to promote acquisition of products made from recovered materials and recycled materials.

WBR 1423.401 Authorities.

Reclamation's Affirmative Procurement Program is established pursuant to the Resource Conservation and Recovery Act (RCRA) of 1976, as amended (42 U.S.C. 6901 et. seq.); Environmental Protection Agency

Procurement (EPA) Guidelines for Government Agencies for Recovered Materials and Products (40 CFR 248-253); Executive Order (EO) 12759 dated April 17, 1991, and EO 12780 dated October 31, 1991.

WBR 1423.403 Policy.

The policy of the Department of the Interior in acquiring materials and products is to ensure --

(a) Specifications do not exclude the use of recovered materials;

(b) Specifications do not require items to be manufactured from virgin materials;

(c) EPA designated items with recovered materials are acquired to the greatest extent practicable;

(d) Items which will result in a decrease in the generation of waste are acquired to the greatest extent practicable; and

(e) Cost-effective purchases and use of environmentally-sound and energy efficient products and services are utilized.

WBR 1423.480 Reclamation Affirmative Procurement Program.

(a) *Preference program.* (1)(i) In accordance with FAR 23.404(a) and EPA Procurement Guidelines for Government Agencies, preference shall be given for the acquisition of the following materials and products:

(A) Paper and paper products (40 CFR Part 250);

(B) Lubricating oils (40-CFR Part 252);

(C) Retread tires (40 CFR Part 253);

(D) Insulation products (40 CFR 248); and

(E) Other guideline items as they are established.

(ii) Waiver of the preference requirements in subparagraph (a)(1)(i) above shall be made in accordance with FAR 23.404(b). The initiator of a requisition for a requirement which contains materials or products listed in subparagraph (a)(1)(i) above is responsible for furnishing information with the requisition for an acquisition involving a proposed waiver using the format illustrated at WBR 1453.303-1423-1.

(iii) The CO shall promptly provide a copy of each waiver issued under (a)(1)(ii) above to the HCA.

(2)(i) In accordance with EO 12759 dated April 17, 1991, a preference shall be given to the acquisition and use of environmentally sound and energy efficient products and services, to the extent that it is economically feasible, through the purchase of the

Reclamation Manual

Reclamation Acquisition Regulation System

401 DM Addition to FAR & DIAR

PART WBR 1423 -- ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY,
AND DRUG-FREE WORKPLACE

WBR 1423.601

following items:

- (A) Energy efficient light bulbs available through the Defense Logistics Agency and the General Services Administration (GSA) supply systems;
 - (B) Environmentally safe and energy conserving products available through GSA Federal Supply Service schedules;
 - (C) Recharged toner cartridges for copiers and laser printers;
 - (D) Disposable products and packaging materials that do not contain harmful chlorofluorocarbons;
 - (E) Bio-degradable and other packaging and wrapping materials;
 - (F) Fleet vehicles that operate on alternative fuels, particularly compressed natural gas;
 - (G) Ethanol or methyl tertiary butyl ether blended gasoline in conventionally fueled motor vehicles that burns cleaner than regular unleaded gasoline to reduce petroleum consumption and air pollution;
 - (H) Solid waste management services which provide for the collection of recyclable materials for recycling purposes; and
 - (I) Other items which will result in a decrease in the generation of waste by reasons of reusability, durability or reduction in weight or volume.
- (ii) Initiators of requisitions are responsible for compliance with the preferences in subparagraph (a)(2)(i) above; and
- (iii) CO's are responsible for reviewing acquisitions to determine compliance with preference requirements and for assisting requisitioners to ensure environmentally sound and energy efficient products and services are acquired.
- (3) Initiators of requisitions containing specifications which do not contain items covered by the EPA Procurement Guidelines For Government Agencies under WBR 1423.480(a) are responsible for ensuring that the specifications eliminate --
- (i) Any exclusion of recovered material;
 - (ii) Any requirement that items be manufactured from virgin materials;
 - (iii) Any other practices that discriminate against use of recovered materials; and
 - (iv) Any disincentives either to source or to

waste reduction.

- (b) *Promotion Program.* Promotion of the preference program in paragraph (a) above shall be accomplished by the HCA and Construction Management, D-8160, through --

(1) Revisions of applicable Reclamation contract specifications for materials and products;

(2) Revisions of applicable contract specifications which do not contain the EPA Procurement Guidelines for Government agencies to comply with the requirements in subparagraph (a)(3) above; and

(3) Use of the EPA Affirmative Procurement Guidelines for Government agencies by initiators of requisitions, project personnel and management, and operating service contractors.

(c) *Verification and Certification Program.*

The CO shall ensure compliance with the requirements of FAR 23.405 and the receipt of the certification required by the provisions at FAR 52.223-4, Recovered Materials Certification.

(d) *Monitoring and Evaluation Program.*

(1) Reporting requirements under the RCRA, Section 501 of EO 12780 and other requirements pertaining to this subpart shall be transmitted by the AAMS, D-7800.

(2) Construction Management, D-8160, is responsible for monitoring and evaluating compliance with this subpart for specifications it prepares.

(3) The HCO is responsible for monitoring and evaluating compliance with this subpart for specifications prepared by the regional office.

(4) The HCA is responsible for --

(i) Monitoring and evaluating the Affirmative Procurement Program; and

(ii) Collecting and submitting information required by the RCRA to the Office of Acquisition and Property Management, Department of the Interior, in the format requested.

SUBPART WBR 1423.6 -- NOTICE OF RADIOACTIVE MATERIAL

WBR 1423.601 Requirements.

In accordance with FAR 23.601(d), the CO shall specify in the clause at FAR 52.223-7, Notice of Radioactive Materials, a period of 45-calendar days as the time in advance of delivery that the contractor will provide notification.